

REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected claims 1-21 under 35 U.S.C. § 103 rejection as obvious over U.S. patent 6,277,797 ("Glenn"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The presently claimed invention relates to thick, "soft-solid" compositions containing a combination of hydrophilic silica and at least one oxyalkylenated compound which, together, thicken the compositions. (See, page 3, line 25 through page 4, line 1). Thus, the claimed oxyalkylenated compounds are thickening agents.

Glenn neither teaches nor suggests the claimed compositions containing the claimed oxyalkylenated thickening agents. Glenn's emulsions are **liquid** (see, abstract, summary of the invention, col. 14, line 16 et seq.), but Glenn neither teaches nor suggests using oxyethylenated or oxyethylenated/oxypropylenated compounds to thicken his liquid compositions. Specifically, the two portions in Glenn upon which the Office Action relies for disclosure relating to oxyalkylenated compounds do not teach or suggest adding oxyalkylenated thickening agents. Col. 12, lines 20-24 relate to lathering surfactants. Col. 13, lines 5-26 relate to "humectants and solutes" which are water soluble. Neither of these disclosures relates to oxyalkylenated thickening agents. Rather, these disclosures relate to adding compounds which lather and/or maintain the liquid nature of Glenn's compositions.

Based on Glenn's disclosure, one skilled in the art would not be motivated to use oxyalkylenated thickening agents, but rather compounds which lather or maintain the liquid nature of compositions. In other words, no motivation would exist to modify Glenn's liquid compositions to yield the claimed compositions.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 is improper and should be withdrawn.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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Serial No: 09/903,785

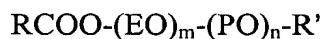
Amendment Filed on:

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1. (Twice Amended) A cleansing composition, comprising:

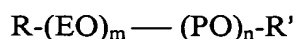
(1) at least one foaming surfactant, (2) at least 1 % by weight of at least one hydrophilic silica, relative to the total weight of the composition, and (3) at least one oxyalkylenated compound which is selected from the group consisting of oxyethylenated compounds and oxyethylenated/oxypropylenated compounds in a physiologically acceptable aqueous medium comprising at least 35 % by weight of water, relative to the total weight of the composition, wherein said oxyalkylenated is a thickening agent.

11. (Amended) A composition [of] according to Claim 9, wherein the [polyethylene glycol esters] oxyalkylenated compound(s) have the formula:



wherein $0 < m \leq 300$ and $0 \leq n \leq 300$ and $m + n \geq 6$, R and R' represent, independently of each other, hydrogen or a saturated or unsaturated, linear or branched, hydroxylated or non-hydroxylated alkyl chain containing from 1 to 30 carbon atoms, or an aryl chain, with the proviso that R and R' are not simultaneously hydrogen.

12. A composition [of] according to Claim 9, wherein the [polyethylene glycol ethers and/or propylene glycol ethers] oxyalkylenated compound(s) have the formula:



wherein $0 < m \leq 300$ [$0 \leq m \leq 300$] and $0 \leq n \leq 300$ and $m + n \geq 6$, R and R' represent, independently of each other, hydrogen or a saturated or unsaturated, linear or branched, hydroxylated or non-hydroxylated alkyl chain containing from 1 to 30 carbon atoms, or an aryl chain, with the proviso that R and R' are not simultaneously hydrogen.

Claim 22 (New)